

EXHIBIT 42

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

STATE OF MARYLAND; STATE OF
DELAWARE; STATE OF CALIFORNIA; STATE
OF COLORADO; STATE OF ARIZONA; STATE
OF CONNECTICUT; DISTRICT OF COLUMBIA,
STATE OF HAWAII; STATE OF ILLINOIS;
OFFICE OF THE GOVERNOR *ex rel.* Andy
Beshear, in his official capacity as Governor of the
COMMONWEALTH OF KENTUCKY; STATE OF
MAINE; COMMONWEALTH OF
MASSACHUSETTS; PEOPLE OF THE STATE OF
MICHIGAN; STATE OF MINNESOTA; STATE OF
NEVADA; STATE OF NEW JERSEY; STATE OF
NEW MEXICO; STATE OF NEW YORK; STATE
OF NORTH CAROLINA; STATE OF OREGON;
JOSH SHAPIRO, in his official capacity as
Governor of the COMMONWEALTH OF
PENNSYLVANIA; STATE OF RHODE ISLAND;
STATE OF VERMONT; STATE OF
WASHINGTON; STATE OF WISCONSIN;

Plaintiffs,

v.

CORPORATION FOR NATIONAL AND
COMMUNITY SERVICE, operating as
AmeriCorps; and JENNIFER BASTRESS
TAHMASEBI, in her official capacity as Interim
Head of the Corporation for National and
Community Service;

Defendants.

Civ. No. 25-cv-01363 (DLB)

DECLARATION OF JEAN DUFFY

Pursuant to 28 U.S.C. § 1746, I, Jean Duffy, hereby declare as follows:

1. I am a resident of the State of Wisconsin. I am over the age of 18 and have personal knowledge of all the facts stated herein, except to those matters stated upon information and belief; as to those matters, I believe them to be true. If called as a witness, I could and would testify competently to the matters set forth below.

2. I am currently employed as the Executive Director of Serve Wisconsin and have served in that position since December 2016.

3. Serve Wisconsin is the operating name of Wisconsin's National and Community Service Board, an entity created in 1994 by the Wisconsin Legislature pursuant to Wis. Stat. § 16.22 for the purpose of applying for, receiving, and administering funds provided by the Corporation for National and Community Service, also known as AmeriCorps. Serve Wisconsin is attached to and overseen by the Wisconsin Department of Administration, an executive branch agency of the State of Wisconsin. Serve Wisconsin is governed by a 21-member bipartisan board comprised of government and community leaders appointed by the Governor.

4. Serve Wisconsin's statutory duties include preparing a plan for AmeriCorps' national service programs administered by Serve Wisconsin that "ensures outreach to diverse community-based organizations serving underrepresented populations" and making recommendations to AmeriCorps about the priorities for its funding and deployment of AmeriCorps' member and volunteer services in Wisconsin.

5. As Executive Director of Serve Wisconsin, I am responsible for supervising all aspects of Serve Wisconsin's work with AmeriCorps. Serve Wisconsin currently has a staff of seven full-time employees including myself. As Executive Director, I am very familiar with the

work and programs directly operated by Serve Wisconsin and its subgrantees, as well as the separate programs operated independently by AmeriCorps in Wisconsin.

Serve Wisconsin's Subgrantees

6. The vast majority of the funding Serve Wisconsin receives from AmeriCorps is awarded to nonprofit subgrantees that operate various programs around the state. That funding comes from four AmeriCorps grant programs: AmeriCorps Public Health Grant, AmeriCorps State and National Competitive Grant, AmeriCorps State and National Formula Grant, and AmeriCorps Volunteer Generation Fund (collectively the "Subgrantee Programs").

7. Serve Wisconsin currently has 30 subgrantees that receive funding under the first three of those grant programs. A list of each current subgrantee and the amount of AmeriCorps funds they have been awarded for the current program year is attached to this declaration as **Exhibit A**.

8. The AmeriCorps grant funds received by those entities pay for the living allowances of AmeriCorps members and costs of administering each entity's program. AmeriCorps members are individuals who commit to perform various types of public service for a specified time ranging from three months to one year. Their most common forms of public service are public health support, veterans transition services, substance abuse recovery, tutoring, after-school programming, conservation, and assisting homeless and runaway youth. To date during the current program year, the AmeriCorps grants have funded the living allowances of 555 members. Because many members typically work only during the summer, Serve Wisconsin expected that by the end of the current program year on August 31, 2025, more than 800 members would have been funded.

9. Some examples of Serve Wisconsin's current subgrantees under the Subgrantee Programs and the work they perform with those funds include:

- a. **Easterseals Wisconsin:** Up to 25 AmeriCorps members provide intensive personal care and lead or facilitate therapeutic recreation activities for individuals with disabilities and their families, and also provide therapeutic recreation activities for veterans and their families. During the previous 2023-2024 program year, Easterseals Wisconsin's AmeriCorps members helped 1,057 individuals with disabilities participate in therapeutic recreational activities.
- b. **Marquette University:** Under Marquette University's 414 Fellows program, up to 27 AmeriCorps members engage children ages birth to 3 years in one-on-one language building activities to increase school readiness. During the previous 2023-2024 program year, Marquette's AmeriCorps members provided one-on-one language building sessions to 50 children.
- c. **Marshfield Clinic:** Marshfield Clinic's Recovery Corps program trains up to 30 AmeriCorps members to be recovery coaches for people with opioid and other substance addictions and to provide community education about substance use disorders and recovery resources. During the previous 2023-2024 program year, Marshfield Clinic's AmeriCorps members assisted 150 individuals with substance abuse disorders.
- d. **Racine Zoological Society:** Up to 20 AmeriCorps members provide education programming to elementary, middle school, and high school students to reinforce the grade-level science curriculum through inquiry and research

activities at the zoo. During the previous 2023-2024 program year, AmeriCorps members provided educational activities and lessons to 842 students.

e. **United Way Fox Cities:** Up to 14 AmeriCorps members provide capacity-building services to improve health and well-being and address social determinants of health at nonprofit organizations and public agencies throughout Calumet, Outagamie, Winnebago, and neighboring Wisconsin counties. During the previous 2023-2024 program year, United Way Fox Cities helped 8 local organizations improve the public health of the Fox Cities.

f. **Western Dairyland Economic Opportunity Council:** Up to 15 AmeriCorps members construct new homes for income-eligible families in West Central Wisconsin while working to achieve high school diplomas or equivalency diplomas, develop career goals, improve self-esteem, and alleviate barriers to economic self-sufficiency. During the previous 2023-2024 program year, WDEOC's 16 AmeriCorps members built a house for a low-income family and 9 of those members left service with gainful employment.

g. **Wisconsin Association for Homeless and Runaway Services:** 21 AmeriCorps members meet the immediate needs of youth experiencing homelessness in their community by connecting them with supportive services, shelter, crisis management, and other basic needs. During the previous 2023-2024 program year, WAHRS' AmeriCorps members helped 886 homeless or runaway youth return home or to a safe alternative placement and provided crisis intervention services to 900 youth facing housing insecurity.

h. **Wisconsin DPI Farm to School:** 20 AmeriCorps members improve child nutrition through educational farm-to-school activities for students and families, and connect schools with local farmers and food businesses. During the previous 2023-2024 program year, DPI's AmeriCorps members provided nutritional education to 3,473 Wisconsin students.

10. In addition, AmeriCorps' Volunteer Generation Fund program provides grants to 14 Wisconsin nonprofit organizations for purposes of training nonprofit boards of directors and increasing recruitment and engagement of volunteers, so that nonprofits can address community problems more effectively. During the previous 2023-2024 program year, Volunteer Generation Fund-supported volunteers provided over 24,000 hours of service to their organizations. A list of Serve Wisconsin's current Volunteer Generation Fund subgrantees and the amounts of their grant awards is attached as **Exhibit B**.

AmeriCorps' Termination of All of Serve Wisconsin's Subgrantee Awards

11. With no prior warning, after normal business hours on the evening of Friday, April 25, 2025, I received email notices from AmeriCorps announcing that all of the grant awards for Serve Wisconsin's Subgrantee Programs were being terminated effective immediately.

12. The email termination notices state, in part:

“Effectively immediately, the above-referenced AmeriCorps award is being terminated per 2 CFR 200.340(a)(4) because it has been determined that your award no longer effectuates agency priorities. You must immediately cease all award activities. This is a final agency action and is not immediately appealable.”

13. The notices do not identify the “agency priorities” and do not explain why the grant awards “no longer effectuate” those priorities. Copies of the email notices from AmeriCorps are attached to this declaration as **Exhibits C and D**.

14. The termination notices also provide no meaningful guidance about whether and how the subgrantee organizations can wind down the work of their members in a reasonable and business-like manner. All of the Serve Wisconsin subgrantees I have spoken with would, at a minimum, like to offer their AmeriCorps members a reasonable period of time to continue service so that they can both wrap up their work in an organized fashion and continue receiving a living allowance for a short period of time while they transition to unemployment. The subgrantees are reluctant to do so, however, because AmeriCorps has not told them whether it is permissible and they would be taking a significant financial risk by providing those continued living allowances without assurance of reimbursement. By contrast, it is my understanding that AmeriCorps is allowing its VISTA members—who are funded directly by the federal government—to receive living allowances for 30 days after announcing their termination.

15. This sudden and immediate termination of the Subgrantee Programs is already having a dramatic negative impact on all of Serve Wisconsin's subgrantees and their members.

16. On the day the termination notices were received, there were 430 AmeriCorps members performing a wide variety of public service for nonprofit organizations, local governments, and universities around Wisconsin. All of those members are now likely to be terminated in the next few days or weeks depending upon the financial capacity of their organizations. Because of their unique employment status, none of those members will be eligible for Unemployment Compensation. If their subgrantees are forced to terminate them immediately due to lack of funds, some or all of them will lose their AmeriCorps-provided health insurance on Thursday, May 1. Because they will stop receiving their AmeriCorps-provided living allowances, some of them may be unable to pay their rent, causing them to lose their housing and their landlords to lose revenue.

17. Thus far, six subgrantees have informed me that 24 of their members lost their health insurance effective May 1, 2025, as a result of AmeriCorps' termination of the Subgrantee Program awards. It is reasonable to expect that a significant percentage of those terminated members will now enroll in Wisconsin's state-funded BadgerCare Plus health care program, imposing additional costs on the state.

18. Based on the grant applications submitted by the subgrantees, Serve Wisconsin expected approximately 680 AmeriCorps members to work in locations throughout Wisconsin during this coming summer. If AmeriCorps' termination of the Subgrantee Program awards is not paused or reversed, all of those existing and anticipated members may now be forced to unexpectedly seek new employment for the summer at a time when many summer jobs have already been filled.

19. The loss of those AmeriCorps members will in turn damage the communities they serve. For example, Easterseals will be unable to provide summer recreation and therapy activities for veterans and individuals with disabilities, the Racine Zoo will be unable to provide summer science education programming to students, and the City of Green Bay's Parks and Recreation Department will be unable to provide all of its summer activities.

20. In addition, some of the subgrantee organizations will likely be forced to lay off employees whose primary responsibilities were supervising their AmeriCorps members.

21. Three State of Wisconsin government entities are recipients of Subgrantee Program awards. The entities are the Wisconsin Department of Public Instruction ("DPI"), University of Wisconsin – Eau Claire, and University of Wisconsin – Madison.

22. DPI uses its subaward grant to partially fund the salary and benefits of the director of its AmeriCorps-funded Farm-to-School Program. The AmeriCorps portion of those costs is approximately \$104,000. DPI must now find other funds to pay those costs.

23. University of Wisconsin – Eau Claire uses its subaward to partially fund the salary and benefits of the director of its AmeriCorps-funded ECLIPSE program. The AmeriCorps portion of those costs is approximately \$62,000. University of Wisconsin – Eau Claire must now find other funds to pay those costs.

24. University of Wisconsin – Madison uses its subaward to partially fund the salary and benefits of full-time employees including the program director of its Wisconsin 4-H program and three other employees who provide leadership, training, and administrative support to the program. The AmeriCorps portion of those costs is approximately \$137,000. University of Wisconsin – Madison must now find other funds to pay those costs.

I declare under penalty of perjury under the laws of the United States that, to the best of my knowledge, the foregoing is true and correct.

Executed on May 2, 2025, at Madison, Wisconsin.

/s/ Jean Duffy

Jean Duffy

EXHIBIT A

Serve Wisconsin's current sub-grantees for the AmeriCorps Public Health Grant, AmeriCorps State and National Competitive Grant, AmeriCorps State and National Formula Grant programs.

Sub-grantee	AmeriCorps Grant	Grant Amount
Ascendium Education Solutions	Formula	\$ 74,228
Boys & Girls Club of Milwaukee – Club Corps	Competitive	\$ 565,608
City of Green Bay Parks & Recreation	Formula	\$ 367,040
City of Green Bay	Formula	\$ 61,157
College Possible Wisconsin	Competitive	\$ 1,013,889
Dane County – PASS	Competitive	\$ 303,621
Easterseals Wisconsin	Competitive	\$ 213,125
Improve Your Tomorrow	Formula	\$ 75,000
Marshfield Clinic – Community Corps	Public Health	\$ 2,160,000
Marshfield Clinic – Recovery Corps	Public Health	\$ 810,000
Marquette University – 414 Fellows	Formula	\$ 139,251
Marquette University	Formula	\$ 74,998
Milwaukee Bar Association Foundation, Inc.	Formula	\$ 283,470
Milwaukee Christian Center	Competitive	\$ 229,360
Milwaukee Public Library	Competitive	\$ 476,280
Operation Fresh Start	Formula	\$ 72,237
Public Allies Wisconsin	Competitive	\$ 847,691
Racine Zoological Society	Competitive	\$ 208,911

Reading & Math, Inc.	Formula	\$ 334,714
Teach for America Milwaukee	Formula	\$ 20,000
United Way of Dane County – Achievement Connections	Competitive	\$ 216,773
United Way of Dane County – Schools of Hope	Competitive	\$ 320,005
United Way Fox Cities – Be Well Fox Valley	Public Health	\$ 257,288
UW Eau Claire – ECLIPSE	Competitive	\$ 90,861
UW System – Wisconsin 4-H Program	Formula	\$ 540,740
Western Dairyland EOC	Competitive	\$ 168,874
Wis Association of Free and Charitable Clinics	Public Health	\$ 811,242
WI Association for Runaway Services	Competitive	\$ 359,500
WI DPI Farm to School	Formula	\$ 405,000
WisCorps	Formula	\$ 1,337,746

EXHIBIT B

Serve Wisconsin's current sub-grantees for AmeriCorps' Volunteer Generation Fund grant program.

Sub-Grantee	Grant Amount
City of Green Bay	\$ 14,737
Friends of Rock Island State Park	\$ 5,841
Great Rivers United Way	\$ 23,828
Head of the Lakes United Way	\$ 34,921
Hispanic Professional of Greater Milwaukee, Inc.	\$ 40,096
LaCrosse Area Community Foundation	\$ 40,598
Marshfield Area United Way	\$ 20,000
Racine Volunteer Center	\$ 18,852
Tikkum-Ha-Ir Milwaukee	\$ 20,000
United Way of Dane County	\$ 20,000
United Way of Jefferson & Walworth County	\$ 5,403
United Way of Racine County	\$ 40,217
United Way of Wisconsin	\$ 56,032
Wisconsin Women's Business Initiative Corporation	\$ 9,990

EXHIBIT C

Attached on next page

From: AmeriCorpsAwardAction <AmeriCorpsAwardAction@americorps.gov>
Sent: Friday, April 25, 2025 6:20 PM
To: Duffy, Jeanne - DOA <jeanne.duffy@wisconsin.gov>
Cc: AmeriCorpsAwardAction <AmeriCorpsAwardAction@americorps.gov>
Subject: Termination Notice of AmeriCorps Award

**CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Jeanne Duffy
STATE OF WISCONSIN DEPT OF ADMIN
101 E Wilson St
Madison
WI, 53703

RE: Grant Termination

Dear AmeriCorps Award Recipient:

Effective immediately, the AmeriCorps award subrecipient(s) included in the attached spreadsheet is/are being terminated per 2 CFR 200.340(a)(4) because it has been determined that the award no longer effectuates agency priorities. You must immediately cease all award activities. This is a final agency action and is not administratively appealable.

The provisions at 2 CFR 200.343 – Effects of Suspension and Termination apply. This process ensures the equitable settlement of costs, proper disposition of government property, and mitigation of negative impacts on stakeholders. AmeriCorps staff will initiate an amendment to change the end date of the period of performance effective immediately.

Please immediately notify subrecipients and/or community partners, if applicable, and initiate your internal termination and closeout procedures.

Please review Closeout Instructions for Grantees to close out this Federal award within 120 days. Please note, there are some close-out actions that indicate that you must submit information to your portfolio manager. Instead of submitting to those individuals, you must instead submit to the following regional mailboxes:

- MidAtlantic@americorps.gov (DC, DE, MD, NJ, PA, PR, VA, VI, WV)
- Midwest@americorps.gov (IL, IN, KY, MI, OH)
- Mountain@americorps.gov (AZ, CO, ID, MT, NM, UT, WY)
- NorthCentral@americorps.gov (IA, MN, WI, ND, SD, NE, KS, MO)

- Northeast@americorps.gov (CT, MA, ME, NH, NY, RI, VT)
- SouthCentral@americorps.gov (AR, LA, MS, OK, TX)
- Southeast@americorps.gov (AL, FL, GA, NC, SC, TN)
- West@americorps.gov (AK, AS, CA, CNMI, GU, HI, NV, OR, WA)

Costs after termination are allowable if:

- (a) The costs result from financial obligations which were properly incurred before the effective date of termination, and
- (b) costs are for necessary and reasonable termination and closeout activities.

Please follow the program specific instructions below, based on the type of award that is being terminated.

AmeriCorps State and National

State commissions and prime grantees should immediately notify subgrantees, operating sites, and members and follow grant close-out procedures. All member activities should cease immediately. Members should be exited for compelling personal circumstances (CPC). The program should document that the member was exited for compelling personal circumstances due to the agency's termination of the grant and program closure. If possible, the program should try to have the member transferred to another program. If this is not possible, the program should note in the CPC documentation that member reassignment was not an option.

Jennifer Bastress Tahmasebi
Interim Agency Head

EXHIBIT D

Attached on next page

From: AmeriCorpsAwardAction <AmeriCorpsAwardAction@americorps.gov>
Sent: Friday, April 25, 2025 5:32 PM
To: Duffy, Jeanne - DOA <jeanne.duffy@wisconsin.gov>
Cc: AmeriCorpsAwardAction <AmeriCorpsAwardAction@americorps.gov>
Subject: Termination Notice of AmeriCorps Award

**CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Jeanne Duffy
STATE OF WISCONSIN DEPT OF ADMIN
101 E Wilson St
Madison
WI, 53703

RE:
23VGEWI001
24VG275070

Dear AmeriCorps Award Recipient:

Effective immediately, the above-referenced AmeriCorps award is being terminated per 2 CFR 200.340(a)(4) because it has been determined that your award no longer effectuates agency priorities. You must immediately cease all award activities. This is a final agency action and is not administratively appealable.

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- Midwest@americorps.gov (IL, IN, KY, MI, OH)

- Mountain@americorps.gov (AZ, CO, ID, MT, NM, UT, WY)
- NorthCentral@americorps.gov (IA, MN, WI, ND, SD, NE, KS, MO)
- Northeast@americorps.gov (CT, MA, ME, NH, NY, RI, VT)
- SouthCentral@americorps.gov (AR, LA, MS, OK, TX)
- Southeast@americorps.gov (AL, FL, GA, NC, SC, TN)
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AmeriCorps Seniors

You are encouraged to notify volunteers, volunteer stations and the Advisory Council. Please also reference Appendix A.3 in your program handbook for close-out guidance.

AmeriCorps VISTA

If you have members active on your award/agreement, all members will be removed from your project effective immediately. Further communication will go directly to impacted members and sponsors.

Volunteer Generation Fund and Days of Service

Notification of award termination should be sent to all subrecipients and community partners. Communication to subrecipients should include instruction to immediately cease award activity and the [Close Out Instructions for Grantees](#).

Research and Evaluation

Notification of award termination should be sent to all subrecipients and community partners.

Jennifer Bastress Tahmasebi
Interim Agency Head